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# **Notice of Allowability**

Application No.

09/940,155

Examiner

Tongoc Tran

Applicant(s)

CHALLENGER ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/2/07.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's amendment filed on 5/2/2007.

Claims 1-11 are pending for examination.

### ***Allowable Subject Matter***

2. Claims 1-12 are allowed.

The following is an examiner's statement of reasons for allowance:

The claimed invention is directed to method, computer program product and computer system for securing alterable data in a remotely managed system comprises a protected storage (references as NVRAM in Specification) accessible by BIOS code, store a symmetrical key in the protected storage; encrypting normally inaccessible data (NA) (e.g. password) and accessible non-encrypted data (ANE) in an unprotected lockable persistent storage (references as EEPROM in Specification) with existing write protect algorithm. The closest prior art, Thompson, discloses a BIOS device 108 comprises non-volatile "permanent" memory that is electrically alterable and programmable under control of special software, in order to update BIOS over the life of a PC, such as PROM, EEPROM or flash memory. While Thompson discloses the BIOS device containing a security program 302, encryption key 304 (symmetric key) encrypted password 306 (NA) and BIOS program 300 (ANE) as illustrated in Fig. 3 and stated that the BIOS device *comprises* non-volatile memory such as PROM, EEPROM or flash memory (col. 3, lines 28-35 and 48-57). Thompson, however, does not specify that the elements illustrated in Fig. 3 contains in both protected storage accessible by

BIOS code and storing in lockable persistent storage with existing write protect algorithm based on the following passage. Thompson describes in col. 3, lines 47-57 that "the security program *is appended to the beginning of BIOS program 300* so that at boot time it is loaded into RAM 104 either prior to or along with BIOS program 300 and is executed prior to or along with BIOS program 300 and is executed prior to completion of the execution of BIOS program 300". This passage suggests that the security program that including encryption key and password entry is part of the BIOS program and therefore also suggests that the elements would not be stored in two separate storages, protected storage and lockable persistent storage, as Applicant's pointed out that Thompson's BIOS device could not be both a protected storage and a lockable persistent storage (Applicant's remarks, page 6, second paragraph, with this remarks, Applicant clarifies that the protected storage and the lockable persistent storage are two separate types of storages and are distinct from one another). Therefore, in light of Applicant's remarks and Examiner's reconsideration of this passage, the claimed limitation cited in the independent claims distinguished over the cited prior art Thompson.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### **Conclusion**

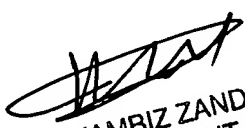
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 July 8, 2007

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER